

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

03/27/2002

CLERK OF THE COURT
FORM V000A

HONORABLE MICHAEL D. JONES

P. M. Espinoza
Deputy

CV 2001-017945

FILED: _____

PROPERTY MASTERS OF AMERICA LLC

MILTON KENT MECHAM

v.

REBECCA ALLEN

REBECCA ALLEN
5307 W MAUNA LOA LN
GLENDALE AZ 85306-0000

NORTH VALLEY JUSTICE COURT
REMAND DESK CV-CCC

MINUTE ENTRY

This Court has jurisdiction of this Forcible Detainer Action appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

This matter has been under advisement without oral argument and the Court has considered and reviewed the record of the proceedings from the North Valley Justice Court, and the Memoranda submitted by the parties.

This case began as a complaint in Forcible Detainer filed by Appellee, Property Masters of America, on September 19, 2001. Appellant was properly served with Notice of the Hearing that scheduled for September 27, 2001. Appellant failed to appear at the time scheduled for trial and a Default Judgment was entered against her. The same day that the judgment was granted Appellant filed a Motion to Retry the Forcible Entry case. It does not appear from a review of the trial court's file that the

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trial judge ruled on this motion. When Appellant filed a Notice of Appeal and failed to post a supersedeas bond in the correct amount, Appellee filed a Motion to Issue the Writ of Restitution. The trial court granted this motion on October 5, 2001. Having issued the Writ of Restitution in this case, I must presume that the trial court intended to deny Appellant's Motion to Retry the Forcible Entry case. This Court has reviewed Appellant's motion to retry the case and determines that Appellant has failed to set forth within her motion any meritorious defense to the Complaint in Forcible Detainer. Appellant's general avowal that she paid rent fails to state with any specificity what rent was paid, how much and for what period of time. Of particular importance is the fact that Appellant does not deny that she was guilty of forcible entry and detainer, or that she owed Appellee any monies outstanding for rent that had been previously due and payable. Thus, the trial court did not err in issuing the Writ of Restitution in this case.

Appellant has no other challenges to the judgment that was entered against her in this matter.

IT IS THEREFORE ORDERED affirming the judgment in Forcible Detainer issued by the North Valley Justice Court on September 27, 2001.

IT IS FURTHER ORDERED remanding this matter back to the North Valley Justice Court for all future and further proceedings in this case, with the exception of the issue of attorneys fees and costs on appeal.

IT IS FURTHER ORDERED directing counsel for Appellee to submit an Application and Affidavit for Attorneys Fees and Costs incurred on appeal to this court no later than April 26, 2002.